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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,383	04/15/2004	Hiroimi Matsusaka	P25217	6631
7055 7590 03/25/2008 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER LU, ZHIYU				
ART UNIT 2618		PAPER NUMBER		
NOTIFICATION DATE 03/25/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/824,383

Applicant(s)

MATSUSAKA, HIROMI

Examiner

ZHIYU LU

Art Unit

2618

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 February 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 2-5 and 7-11.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Nay A. Maung/
Supervisory Patent Examiner, Art Unit 2618

/Z. L./
Examiner, Art Unit 2618

Continuation of 11, does NOT place the application in condition for allowance because:

Applicant argued that Lindoff, Lindoff et al., and Jayaraman et al. do not teach the claims because the adaptive filter and adaptive equalizer of Jayaraman et al. are not adjusted based on a modulation scheme determiner. Applicant then argued that Jayaraman et al. teach detecting noise rather than adjacent channel interference and teach only output of a canceller but not the claimed canceller.

However, the Examiner does not agree. Lindoff already teaches a canceller as indicated in the Final Office Action. In Lindoff, a filter is adjusted by an adjuster according to estimated channel structure, where it is known that the usage of the filter is to filter interferences. Yet, Jayaraman et al. clearly teach using an adaptive filter and adaptive equalizer (a filter as well) to reduce an interference component comprising adjacent channel interference (ACI) and inter-symbol interference (ISI) (paragraphs 0049, 0071, Fig. 4 is considered as an interference canceller), which would have been obvious to one of ordinary skill in the art to apply the known interference filter of Jayaraman et al. to the known radio reception apparatus of Lindoff ready for improvement to yield filtering both ACI and ISI. The filter and equalizer disclosed by Jayaraman et al. are adaptive, which means they can be reconfigured. Jayaraman et al. teach that an adaptive filter having a response that may be adjusted by adapting the filter coefficients or with some other filter designs (paragraph 0029). And Lindoff et al. teach reconfiguring coefficients of equalizer/filter based on determined modulation (Fig. 2B, column 3 lines 3-62, column 4 lines 41-49). So, it would have been obvious to one of ordinary skill in the art to apply the known technique of configuring coefficients for interference filter based on determined modulation taught by Lindoff et al. to the radio reception apparatus of Lindoff and Jayaraman et al. ready for improvement to yield more effective estimates of the channel and coefficients for the interference filter.

Regarding rejection on claim 4, applicant argued that Baugh et al. teach adjusting a tap coefficient based on error rather than "based on the measured error."

However, the Examiner does not agree. Though Baugh does not use the term "measured error", the error disclosed by Baugh et al. is "measured error." There is no such thing as predetermined error. And Baugh et al. show that the error of Baugh used to calculate coefficients come from measuring/estimating of a received signal (88 of Figs. 2-3). And for the error itself, it must be resulted based on comparison of the received signal (READ SIGNAL of Fig. 3) and a known signal pattern (dn of Fig. 3). Otherwise, an error cannot be determined. And the resulted error is used to configure coefficients (92 of Fig. 3). So, it would have been obvious to one of ordinary skill in the art to apply the known method of using measured error to configure filter coefficients taught by Baugh et al. into the radio reception apparatus of Lindoff, Lindoff et al., and Jayaraman et al. ready for improvement to yield more details to configure coefficients effectively for the interference filter.

Therefore, the rejections are proper and maintained.

Zhiyu Lu
(571) 272-2837